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09/515,057	02/28/2000	Noriaki Miyamoto	35.G2543	8795

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EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/515,057	Applicant(s) Miyamoto et al
Examiner Mark Wallerson	Art Unit 2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4)  Claim(s) 1-48 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-48 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6)  Other: \_\_\_\_\_

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### **Part III DETAILED ACTION**

#### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-48 are pending.

#### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, it is unclear whether “a set of editing processes” in line 7 of the claim is the same as “one set of editing processes”.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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With respect to claim 2, it is unclear whether “an identifier” in lines 7 and 8 of the claim is the same “an identifier” in line 2 of the claim.

6. Claims 11-16, 31-36, 45, and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 11, it is unclear whether “a specified identifier” in lines 7 and 8 of the claim is the same “an identifier” in line 4 of the claim.

With respect to claim 31, it is unclear whether “a specified identifier” in line 8 of the claim is the same “an identifier” in line 6 of the claim.

With respect to claim 45, it is unclear whether “a specified identifier” in line 9 of the claim is the same “an identifier” in line 6 of the claim.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371C of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 2, 3, 4, 5, 6, 10, 17, 18, 20, 21, 22, 23, 24, 25, 26, 30, 37, 38, 40, 41, 42, 43, 44, 47, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Momose et al (Momose) (U. S. 6,301,013).

With respect to claims 1, 10, 21, 30, 41, and 44, Momose discloses a method of processing an image comprising specifying a plurality of editing processes to be performed on an image (column 10, lines 45-65); registering the editing processes as one set of editing processes (sheet size or magnification-reduction (the abstract, lines 7-9, column 11, lines 31-61 and column 14, lines 37-61), and identifying a set of editing processes (layout) thereby determining a plurality of editing processes to be performed on an image (figure 13 and column 17, lines 17-30).

With regard to claims 2, 22, and 42, Momose discloses an identifier indicating a set of editing processes are registered (figure 13); displaying plural registered identifiers in the form of a list (figure 13), and calling a set of editing processes corresponding to an identifier selected from the list of registered identifiers (figure 13 and column 17, lines 17-52).

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With respect to claims 3, 4, 5, 6, 23, 24, 25, 26, and 43, Momose discloses the editing processes include layout information (column 12, lines 10-17), image rotation (column 11, lines 46-55), and image enlargement/reduction (column 12, lines 10-40).

With regard to claims 17, 37, and 47, Momose discloses a method of processing an image comprising designating a selection condition from a plurality of selection conditions which have been registered in advance (the abstract and column 7, lines 16-38 and column 13, lines 15-32); detecting information which meets the selection condition from plural pieces of information, “calling” the detected information, and outputting the information (column 10, lines 52-59 and column 13, lines 15-32).

With regard to claims 18 and 38 Momose discloses the selection condition is based on the order of storing the plural pieces of information (column 17, line 17 to column 18, line 23).

With respect to claims 20, 40, and 48 Momose discloses displaying names representing selection conditions (index) together with names representing plural pieces of registered information (attributes) and performing a process corresponding to the name (column 18, lines 51-57).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7, 8, 27, and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Momose in view of Ono et al (Ono) (U. S. 6,295,136).

With respect to claims 7, 8, 27, and 28, Momose differs from claims 7, 8, 27, and 28 in that he does not clearly disclose the editing processes include image contrast and brightness adjustment. Ono discloses a printer control apparatus which sets various attributes for printing utilizing dialog boxes wherein the attributes include image contrast and brightness adjustment (figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose wherein the editing processes include image contrast and brightness adjustment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose by the teaching of Ono in order to improve operator control as disclosed by Ono in column 2, lines 26-33.

11. Claims 9, 19, 29, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momose in view of Kubo et al (Kubo) (U. S. 5,828,461).

With respect to claims 9 and 29, Momose differs from claims 9 and 29 in that he does not clearly disclose the editing processes include designating an aspect ratio. Kubo discloses an image processing method wherein a dialog box allows the setting of an aspect ratio corresponding to a print size (column 23, lines 1-8). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of the invention to have modified Momose wherein the editing processes include designating an aspect ratio. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose by the teaching of Kubo in order to improve image processing.

With respect to claims 19 and 39 Momose differs from claims 19 and 39 in that he does not clearly disclose that the selection condition is magnetic information which is stored such that the magnetic information is linked to image information. Kubo discloses being able to select magnetic information (which reads on panorama) (figure 10) and that the magnetic information is linked to image information (column 1, lines 10-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose wherein the selection condition is magnetic information which is stored such that the magnetic information is linked to image information. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose by the teaching of Kubo in order to improve image processing.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

MARK WALLERSON  
ART EXAMINER

MARK WALLERSON